

REMARKS

Applicants note the apparent erroneous indication in the "Office Action Summary" that Claims 1-3 and 5-21 (all the claims) are allowed. Correction is indicated.

Claims 1-3, 5-18 and 20-21 stand rejected under 35 U.S.C. 102(b or e) as anticipated by U.S. Patent 6,117,542 (Nanba); U.S. Patent 6,335,767 (Tagaki); U.S. Patent 6,403,683 (Kobayashi) or U.S. Patent 6,613,824 (Campbell).

Examiner points to Nanba's Claims 1, 4 and 10 and argues that the "concentrations of ABS, fluoresein and polycarbonate encompass applicants' claims". (For the record, the Nanba document has been erroneously referred to by the Examiner as Namba).

Neither Claim 1 nor Claim 10 refer to ABS. Claim 4 refers to a thermoplastic resin (A) that includes 5-98 parts by weight of polycarbonate and 95 to 2 parts by weight of a rubber reinforced resin. Applicants fail to appreciate the significance of Examiner's assertion and note that "encompassing" a claimed element does not necessarily describe that element within the meaning of section 102. Nothing in Nanba's Claims 1, 4 and 10 describe the molecular weight that characterizes the claimed polycarbonate (25,000 to 35,000), the rubber content of the claimed ABS (11-14%) or the molecular weight of the included copolymer (50,000 to 140,000) in a manner required by the statute.

The rejection alleging anticipation by Nanba is clearly untenable and its retraction is requested.

Tagaki disclosed a composition containing 10-90% polycarbonate and 10-90% of a graft copolymer. The referenced 10-40% of diene component in a graft copolymer (Claim 10) does not describe the presently claimed range (11-14%) in the statutory required manner.

Tagaki's exemplified compositions do not describe the present invention at least because the butadiene contents of the included ABS (15% per column 17, line 59; 30% per column 18, line 18; 25% per column 18, line 35 and 35% per column 18, line 51) is outside the presently claimed range.

Lacking the specificity required by the statute Tagaki falls short of anticipating the claims.

Kobayashi disclosed a polycarbonate composition that contains a styrene based resin, a phosphate based flame retardant and silicate filler. Notably, the referenced styrene-based resin includes ABS in which the butadiene content is 5-75% (column 6, line 26) a range that does not anticipate the claimed 11-14%.

Kobayashi is asserted to lack the specificity required by the statute and cannot reasonably be seen to anticipate the claims.

Campbell disclosed a flame retardant composition containing polycarbonate that includes a rubber modified graft copolymer and a phosphorous species. The rubber content in the graft copolymer is 2-70% relative to its weight (column 8, lines 42 et seq.) Campbell cannot reasonably be said to anticipate the present claims.

Supporting Applicants assertion of criticality attributed to the claimed content of butadiene is the presently submitted declaratory evidence by Dr. Seidel. The evidence shows that the inventive compositions, butadiene content of 13 and of 11.5% exhibit greater resistance to stress cracking than does a largely identical composition where butadiene content is 7%. Applicants would also call attention to the exemplified composition in the present specification (pages 26-30) where the inventive composition (Example 1, table page 30, rubber content of the ABS =13%) exhibits greater stress cracking resistance than does a corresponding composition where the rubber content of its ABS component (15%) is outside the scope of the claimed invention.

Claims 1-3 and 5-21 stand rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent 6,117,542 (herein Nanba), U.S. Patent 6,355,767 (Tagaki), U.S. Patent 6,403,683 (Kobayashi) or U.S. Patent 6,613,824 (Campbell) in view of U.S. Patent 5,849,827 (Bodiger), U.S. Patent 6,503,628 (Janarthanan) or U.S. Patent 6,596,812 (Toyoshima). The primary references have been discussed above and their shortcomings in the present context were noted.

Bodiger disclosed a composition that contains polycarbonate, an optional graft polymers of vinyl polymers on a rubber (A.2) - column 4, lines 18 et seq.) flame retardant and a finely divided inorganic powder. The rubber content of the graft polymer is 5 to 95 parts by weight.

Bodiger is not seen to in any way modify any of the primary references in a manner describing the claimed invention and the rejection alleging obviousness thereover is clearly untenable.

Janarthanan disclosed a composition containing polycarbonate having weight average molecular weight in the broad range of 10,000 to 200,000, and ABS having butadiene content of 10 to 16 wt %.


Janarthanan is not seen to in any way modify any of the primary references in a manner describing the claimed invention and the rejection alleging obviousness thereover is clearly untenable.

Toyoshima disclosed a composition containing polycarbonate and a rubber-reinforced resin that embraces ABS having rubber content of 10 to 70% (column 2, line 26).

Toyoshima is not seen to in any way modify any of the primary references in a manner describing the claimed invention and the rejection alleging obviousness thereover is clearly untenable.

Consideration of the above in the course of examination is solicited.

Respectfully submitted,

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